

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:

KAISER ALUMINUM CORP., et al.,

Debtors.

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In re:

KAISER ALUMINUM CORP., et al.,

Debtors.

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Bankruptcy Case No. 02-10429 (JKF)

Misc. Case No. 06-041 (JJF)

**TIG INSURANCE COMPANY'S DESIGNATION OF ITEMS FOR
RECORD ON APPEAL AND STATEMENT OF ISSUES ON APPEAL**

TIG Insurance Company, successor by mergers with International Surplus Lines Insurance Company, by and through its undersigned attorneys, and pursuant to Rule 6(b)((2)(B) of the Federal Rules of Appellate Procedure, hereby designates the items that are to be included in the record on appeal and sets forth a statement of the issues that are to be presented on its appeal from: (i) the Order entered on May 11, 2006 [Docket No. 58] by the United States District Court for the District of Delaware ("District Court") pursuant to which the District Court ORDERED that (1) The February 6, 2006 Order of the Bankruptcy Court confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified (the "Confirmation Order") (Bankr. No. 8225) is AFFIRMED, and (2) The Findings of Fact and Conclusions of Law Regarding Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, as Modified (Bankr. Docket No. 8226) issued by the Bankruptcy Court on February 6, 2006 are ADOPTED"; and (ii) the Memorandum Opinion [Docket No. 57] entered by the

District Court on May 11, 2006 in connection with the above referenced Order [Docket No. 58], both entered by the District Court on May 11, 2006.

This Designation of Items for Record on Appeal and Statement of Issues on Appeal is timely pursuant to Rule 6 of the Federal Rules of Appellate Procedure.

I. Designation Of Items For Record On Appeal.

Tab No.	Bankr. Case Docket No.	Filing / Entry Date	Document Name
1.	7312	September 7, 2005	Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates
2.	7314	September 7, 2005	Disclosure Statement to the Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates
3.	7320	September 8, 2005	Order (A) Approving Proposed Disclosure Statement, (B) Establishing Procedures For Solicitation And Tabulation Of Votes To Accept Or Reject Proposed Joint Plan Of Reorganization And (C) Scheduling A Hearing On Confirmation Of Proposed Joint Plan Of Reorganization And Approving Related Notice Procedures
4.	7460	September 30, 2005	Motion For Entry Of An Order Enforcing The Automatic Stay And Directing Certain Insurance Companies To Dismiss Their Recent Motion Seeking Adjudication Of Plan Confirmation Issues In California State Court
5.	7504	October 14, 2005	Certain Insurers' Objection To Motion For Entry Of An Order Enforcing The Automatic Stay And Directing Certain Insurance Companies To Dismiss Their Recent Motion Seeking Adjudication Of Plan Confirmation Issues In California State Court
6.	7659	November 7, 2005	Motion for Entry of Stipulation and Agreed Order Regarding Plan Modifications and Potential Confirmation Objections by Certain Insurance Companies
7.	7718	November 14, 2005	Agreed Order Regarding Plan Modifications and Potential Confirmation Objections by Certain Insurance Companies

Tab No.	Bankr. Case Docket No.	Filing / Entry Date	Document Name
8.	7839	December 2, 2005	Certain Insurers' Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies
9.	7843	December 2, 2005	Certain Insurers' Amended Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies
10.	7834	December 2, 2005	Insurers' Objections To Confirmation Regarding The Inadequate Contributions By The Debtors To The Asbestos Pi Trust That Fail To Satisfy The Minimum Requirements Of Bankruptcy Code Section 524(g)
11.	7840	December 2, 2005	Joinder Of Republic Indemnity Company And Transport Insurance Company (f/k/a Transport Indemnity Company) Into Certain Insurers' Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies And Additional And Supplemental Arguments Related Thereto
12.	7851	December 5, 2005	Joinder In Certain Insurers' Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies Filed by TIG Insurance Company (as successor by merger to International Insurance Company)
13.	7962	December 16, 2005	Future Silica And CTPV Claimants' Representative's Joinder To Reorganizing Debtors' Response To Certain Insurers' Amended Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies, Republic Indemnity Company And Transport Insurance Company's Additional And Supplemental Arguments Related Thereto, And Any Joinders Thereto
14.	7961	December 16, 2005	Pre-hearing Brief of the Official Committee Of Unsecured Creditors In Support Of Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
15.	7966	December 17, 2005	Joint Memorandum Of Law Of Reorganizing Debtors And Official Committee Of Asbestos Claimants In Response To Certain Insurers' Objections To Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified

Tab No.	Bankr. Case Docket No.	Filing / Entry Date	Document Name
16.	7968	December 17, 2005	Joinder Of Martin J. Murphy, The Legal Representative For Future Asbestos Claimants, To The Joint Memorandum Of Law Of Reorganized Debtors And Official Committee Of Asbestos Claimants In Response To Certain Insurers' Objections To Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
17.	8058	January 3, 2006	Certain Insurers' Reply In Further Support Of Their Objection To The Alleged Statutory Preemption Of Insurers' Rights And Debtors' Obligations Under Insurance Policies And In Response To The Joint Memorandum Of The Reorganizing Debtors And Official Committee Of Asbestos Claimants
18.	8060	January 3, 2006	Insurers' Section 524(g) Reply Brief To Plan Proponents' Briefs In Support Of The Second Amended Joint Plan Of Reorganization
19.	8057	January 3, 2006	Reply Of Excess Insurers In Support Of Limited Objection
20.	8063	January 3, 2006	Declaration Of Anne M. Ferazzi
21.	8065	January 3, 2006	Affidavit of Martin J. Murphy In Support Of Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
22.	8066	January 3, 2006	Declaration of Edward F. Houff In Support Of Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
23.	8067	January 3, 2006	Declaration of Blake O'Dowd In Support Of Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
24.	8135	January 13, 2006	Transcript of Hearing Held On January 9, 2006 Before The Honorable Judith K. Fitzgerald
25.	8225	February 6, 2006	Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified

Tab No.	Bankr. Case Docket No.	Filing / Entry Date	Document Name
26.	8226	February 6, 2006	Findings Of Fact And Conclusions Of Law Regarding Confirmation Of The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
27.	8264	February 15, 2006	Notice of Appeal Filed by TIG Insurance Company (as successor by merger to International Insurance Company)
28.	8272	February 15, 2006	Notice of Appeal Filed by Columbia Casualty Insurance Company, Transcontinental Insurance Company, Harbor Insurance Company and Continental Insurance Company
29.	8273	February 15, 2006	Notice of Appeal of Certain Insurers to Order Confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified. Filed by ACE Property & Casualty Company, Central National Insurance Company of Omaha, Century Indemnity Company, Industrial Indemnity Company, Industrial Underwriters Insurance Company, Pacific Employers Insurance Company
30.	8276	February 15, 2006	Notice of Appeal By Transport Insurance Company (f/k/a Transport Indemnity Company) Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified
31.	8277	February 15, 2006	Notice of Appeal By Republic Indemnity Company Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified.
32.	8278	February 15, 2006	Notice of Appeal By First State Insurance Company, Hartford Accident And Indemnity Company, New England Reinsurance Corporation And Nutmeg Insurance Company Of Order Confirming The Second Amended Joint Plan Of Reorganization Of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation And Certain Of Their Debtor Affiliates, As Modified.

Tab No.	Bankr. Case Docket No.	Filing / Entry Date	Document Name
33.	8283	February 15, 2006	Notice of Appeal (Ap.#06-24) of AIU Insurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA., and New Hampshire Insurance Company of Order Confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, As Modified

Tab No.	District Docket No.	Filing / Entry Date	Document Name
34.	8	March 29, 2006	MEMORANDUM ORDER that (1) the Joint Motion of Debtors and Debtors in Possession and Their Principal Creditor Constituencies For Consolidation Of Appeals is GRANTED; (2) All of the above-captioned appeals shall be consolidated into Miscellaneous Case No. 06-41. All filings in those actions, after the date of this Order, shall use the caption below: ; (3) The Court will consider and decide the matter of waiver of mediation requirement and expedited hearing by separate Order
35.	11	April 3, 2006	MEMORANDUM ORDER that (1) Joint Motion of Debtors For Waiver Of Mediation Requirement (D.I. 5-2) is GRANTED; (2) Joint Motion Of Debtors For An Expedited Hearing On Confirmation Findings and Confirmation Order (D.I. 5-3) is DENIED; (3) In lieu of formal briefing, the parties shall submit memoranda on the issues presented in these consolidated cases on the following schedule: (a) Opening Memoranda shall be due ten (10) days from the date of this Order; (b) Answering Memoranda shall be due ten (10) days after the filing of the Opening Memoranda; (c) Any Reply Memoranda shall be due five (5) days after the filing of the Answering Memoranda; (d) A hearing will be held on May 11, 2006, at 12:30 p.m. in Courtroom 4B
36.	17	April 17, 2006	Appellant Brief Regarding Appeal and Request for De Novo Review of Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies filed by TIG Insurance Company, Columbia Casualty Insurance Company, Transcontinental Insurance Co., Harbor Insurance Co, Continental Insurance Company
37.	18	April 17, 2006	Appellant Brief of Appellants, Century Indemnity Company (Successor to Cigna Specialty Insurance Company, f/k/a Union Insurance Company, and Successor to CCI Insurance Company,

			Successor to Insurance Company of North America, and as Administrative Agent of Former Members of Afia, Including St. Paul Mercury Insurance Company); Ace Property & Casualty Company (f/k/a Cigna Property & Casualty Company, f/k/a Aetna Insurance Company); Industrial Indemnity Company; Industrial Underwriters Insurance Company; Pacific Employers Insurance Company; and Central National Insurance Company of Omaha, by and Through Cravens, Dargen and Company, Managing General Agent filed by Industrial Indemnity Company, Industrial Underwriters Insurance Company, Pacific Employers Insurance Company, Central National Insurance Company of Omaha, Century Indemnity Company, Ace Property & Casualty Company
38.	20	April 17, 2006	Memorandum Of First State Insurance Company, Hartford Accident And Indemnity Company, New England Reinsurance Corporation And Nutmeg Insurance Company filed by First State Insurance Company, Hartford Accident and Indemnity Company, New England Reinsurance Corporation and Nutmeg Insurance Company
39.	22	April 17, 2006	Appellant Brief of Appellants, Republic Indemnity Company and Transport Insurance Company (f/k/a Transport Indemnity Company) filed by Transport Insurance Company, Republic Indemnity Company.
40.	24	April 20, 2006	Memorandum Of AIU Insurance Co., Granite State Insurance Co., Insurance Company of the State of Pennsylvania, Landmark Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, P.A., and New Hampshire Insurance Company
41.	32	May 1, 2006	Appellee's BRIEF by Anne M. Ferazzi, Future Silica Claimants Representative
42.	33	May 1, 2006	Appellee Brief of Reorganizing Debtors and Their Principal Creditor Constituencies filed by Kaiser Aluminum Corp. re [20] Memorandum, [22] Appellant Brief, [18] Appellant Brief
43.	45	May 8, 2006	Appellant's Reply Brief of Appellants, Century Indemnity Company (Successor to Cigna Specialty Insurance Company, Formerly Known As California Union Insurance Company, and Successor to CCI Insurance Company, Successor to Insurance Company of North America, and as Administrative Agent of Former Members of AFIA, Including St. Paul Mercury Insurance Company); Ace Property & Casualty Company (Formerly Known As Cigna Property & Casualty Company, Formerly Known As Aetna Insurance Company); Industrial Indemnity Company; Industrial Underwriters Insurance Company; Pacific Employers Insurance Company; and Central National Insurance Company of Omaha, by and through Cravens, Dargen and Company, Managing General Agent filed by Industrial Indemnity Company,

			Industrial Underwriters Insurance Company, Pacific Employers Insurance Company, Central National Insurance Company of Omaha, Century Indemnity Company, Ace Property & Casualty Company.
44.	46	May 8, 2006	Reply Memorandum re [17] Appellant Brief Regarding Appeal and Request for De Novo Review of Alleged Statutory Preemption of Insurers' Rights and Debtors' Obligations Under Insurance Policies filed by Columbia Casualty Insurance Company, Transcontinental Insurance Co., Harbor Insurance Co, Continental Insurance Company, and TIG Insurance Company
45.	47	May 8, 2006	Appellant's Reply Brief by Transport Insurance Company, Republic Indemnity Company
46.	57	May 11, 2006	Memorandum Opinion re: D.I. [58]
47.	58	May 11, 2006	ORDER that (1) The February 6, 2006 Order of the Bankruptcy Court confirming the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of their Debtor Affiliates, as Modified (the "Confirmation Order") (Bankr. No. 8225) is AFFIRMED. (2) The Findings of Fact & Conclusions of Law Regarding Confirmation of the Second Amended Joint Plan of Reorganization of Kaiser Aluminum Corporation, Kaiser Aluminum & Chemical Corporation and Certain of Their Debtor Affiliates, as Modified (Bankr. Docket No. 8226) issued by the Bankruptcy Court on February 6, 2006 are ADOPTED.
48.	63	May 12, 2006	TRANSCRIPT of Hearing held on 05/11/06 before Judge Farnan, Jr.
49.	67	June 8, 2006	NOTICE OF APPEAL to the Third Circuit filed by TIG Insurance Company.

II. **Statement Of Issues On Appeal.**

1. Did the District Court err in affirming the Bankruptcy Court's order concluding that 11 U.S.C. § 1123(a)(5) empowers a debtor in possession to assign its insurance contracts to a trust established pursuant to 11 U.S.C. § 524(g) pursuant to a Chapter 11 plan of reorganization, notwithstanding the anti-assignment clauses contained in such contracts or applicable nonbankruptcy law?

2. Did the District Court err in affirming the Bankruptcy Court's order concluding that 11 U.S.C. § 1123(a)(5) preempts applicable non-bankruptcy law regarding assignment of insurance contracts.

Dated: June 19, 2006

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)	
)	
KAISER ALUMINUM CORP., et al.,)	Bankruptcy Case No. 02-10429 (JKF)
)	
<u>Debtors.</u>)	
)	
In re:)	
)	
KAISER ALUMINUM CORP., et al.,)	Misc. Case No. 06-041 (JJF)
)	
<u>Debtors.</u>)	

**CERTIFICATE OF SERVICE OF TIG INSURANCE COMPANY'S
DESIGNATION OF ITEMS FOR RECORD ON APPEAL AND STATEMENT
OF ISSUES ON APPEAL AND TRANSCRIPT PURCHASE ORDER**

I, Michael G. Gallerizzo, Esquire, hereby certify that on June 19th, 2006, I caused a copy of (1) TIG Insurance Company's Designation of Items for Record on Appeal and Statement of Issues on Appeal, and (2) a Transcript Purchase Order on behalf of TIG Insurance Company, to be served on the parties set forth on the attached service list by first class mail, postage pre-paid.

GEBHARDT & SMITH LLP

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